

REMARKS

Applicant requests reconsideration of the present application in view of the reasons that follow.

Response to Arguments

On page 2 of the Office Action, the Examiner provided the following “Response to Arguments.”

1. Applicant’s arguments filed 08/30/04 have been fully considered but they are not persuasive. Regarding the Applicant’s statement that Ferris fails to show a plurality of wheeled carriage where each has a carriage body and adjustably mounted detachable wheels. The Applicant is correct in stating that Ferris does not teach adjustably mounted. However, the rejection was based under 35 USC 103. As such, the Ferris reference was modified by the White reference in order to teach the use of adjustably mounted wheels. Ferris however does teach a plurality of wheeled carriages having a carriage body. A carriage is defined as a moveable part of a machine for supporting some other moveable object or support. As such, the axle mechanism taught by Ferris meets the structural definition of a carriage and as can be seen in the Figures of Ferris, there is more than one thereby meeting the definition of a plurality. Further it is noted that wheels on a motor vehicle are notoriously well known to be detachable so as to be able to be changed and replaced in the event of a flat tire or extreme wear.
2. In response to applicant’s argument that the plurality of wheeled carriages, once transported, are removed from the milking parlor frame, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. *See In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). The rejection stands.

(underlying added.)

Applicant respectfully disagrees.

Claims 11-17 recite “adjustably mounting detachable wheels.” The Examiner takes the position that White teaches the use of “adjustably mounted wheels.” However, White only shows a mobile cattle trailer with trailer wheels. Such trailer wheels can be detached or removed from the trailer. There is no teaching or suggestion in White, though, that the trailer wheels are “adjustably mounted.” The term “mounted” means to place or fix on, and “adjustably mounted” means to adapt or change the placement or location. The term “adjustably mounting detachable wheels” means wheels that are detachable (can be put on or taken off) and can be adjusted or changed in how they are mounted. Nothing in White describes or suggests adjusting or changing the mounting of the wheels.

Claims 11-17 recite “a plurality of wheeled carriages.” The Examiner takes the position that a “carriage is defined as a moving part of a machine for supporting some other moveable object or support.” (Page 2, Office Action.) The Examiner concludes that the axle mechanism of Ferris meets the definition of a carriage. However, the Examiner’s definition of “carriage” is not correct. The American Heritage College Dictionary, Third Edition defines “carriage” as: “a wheeled support or frame for carrying a heavy object, such as a cannon.” Moreover, there is nothing in Ferris or White to support the Examiner’s proposition that an axle mechanism is a carriage. The Figures of the present application show that Applicant has used the term “carriage” to refer to a frame for carrying a heavy object, which is consistent with the dictionary definition. (See Figure 40, carriage 60.) The axle mechanism of Ferris is not a frame – it is an axle.

Rejections Under 35 U.S.C. § 103

Claims 11-15, and 17

In Section 4 of the Office Action, Claims 11-15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,019,763 (Ferris) in view of U.S. Patent No. 6,609,477 (White). Applicant traverses the rejection. Ferris and White do not combine to disclose, suggest or teach Applicant’s claimed invention as recited in claims 11-15 and 17.

As indicated above, claims 11-15 and 17 recite “adjustably mounting detachable wheels” and “a plurality of wheeled carriages.” Ferris describes a mobile milking house. White describes a mobile cattle hospital. Taken in combination, Ferris and White do not show or suggest wheels that detach and are adjustably mounted. Furthermore, Ferris and White do not show or suggest wheeled carriages.

Applicant has outlined in the previous section that the Examiner’s position cannot be properly maintained. The axle mechanism of Ferris cannot be considered a wheeled carriage, as the Examiner suggests. The trailer wheels of White cannot be considered “adjustably mounting detachable wheels,” as the Examiner suggests. Therefore, the rejection of claims 11-15 and 17 cannot be properly maintained. Applicant respectfully requests withdrawal of the rejection of claims 11-15 and 17.

Rejections Under 35 U.S.C. § 103

Claim 16

In Section 5 of the Office Action, Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferris as modified as applied to claim 12 above, and further in view of U.S. Patent No. 6,044,793 (van der Lely). Applicant traverses the rejection. Ferris, White and van der Lely do not combine to disclose, suggest or teach each and every element of claim 16.

Claim 16 depends from claim 12 and, therefore, requires all of the limitations of claim 12, including “a plurality of wheeled carriages” and “adjustably mounting detachable wheels.” As explained above, the combination of Ferris and White does not teach or suggest these limitations. Van der Lely does not either. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 16.

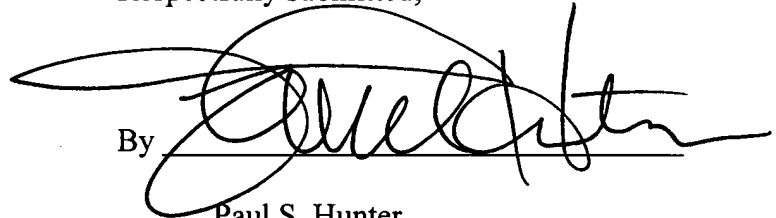
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read 'Paul S. Hunter', written over a horizontal line.

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